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Attorneys for Defendants
Maria Del Mar Martinez Sanchez and
FDS Solutions Limited

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

REFLEX MEDIA, INC., a Nevada
corporation,

Plaintiff,

v.

MARIA DEL MAR MARTINEZ
SANCHEZ, an individual, FDS
SOLUTIONS LIMITED d/b/a
fndrtsmt.com, a United Kingdom
company; and Does 1-10, inclusive,

Defendants.

Case No. 2:17-cv-491 FMO (JPRx)

Assigned For All Purposes To
Fernando M. Olguin

ANSWER TO COMPLAINT

DEMAND FOR JURY TRIAL

Defendants Maria Del Mar Martinez Sanchez and FDS Solutions Limited
(collectively "Defendants"), in answer to the Complaint on file herein, admit, deny,
and allege as follows:

1. Defendants deny the allegations of Paragraph 1 of the Complaint.
2. Defendants lack information or belief sufficient to enable them to
respond to the allegations of Paragraph 2 of the Complaint and, basing their denial on
said grounds, deny the allegations contained therein.
3. Defendants lack information or belief sufficient to enable them to
respond to the allegations of Paragraph 3 of the Complaint and, basing their denial on
said grounds, deny the allegations contained therein.

1 4. Defendants lack information or belief sufficient to enable them to
2 respond to the allegations of Paragraph 4 of the Complaint and, basing their denial on
3 said grounds, deny the allegations contained therein.

4 5. Defendants admit that Defendant FDS Solutions, Ltd. owns and operates
5 the websites <findyourtruesoulmate.com> and <fndrtsmt.com>. In further answer to
6 Paragraph 5 of the Complaint, Defendants deny the other allegations contained
7 therein.

8 6. Defendants deny the allegations of Paragraph 6 of the Complaint.

9 7. Defendants admit the allegation of Paragraph 7 of the Complaint that
10 Plaintiffs have chosen to identify the e-mails that are the subject of the Complaint as
11 “Defendants’ ‘Phishing Emails’” but expressly deny that Defendants originated,
12 disseminated, caused to be disseminated, or had any knowledge of these e-mails.

13 8. Defendants deny that they originated, disseminated, caused to be
14 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs’
15 Complaint. Defendants lack information or belief sufficient to enable them to respond
16 to the other allegations of Paragraph 8 of the Complaint and, basing their denial on
17 said grounds, deny the other allegations contained therein.

18 9. Defendants deny that they originated, disseminated, caused to be
19 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs’
20 Complaint. In further answer to Paragraph 9 of the Complaint, Defendants lack
21 information or belief sufficient to enable them to respond to other allegations
22 contained therein, and, basing their denial on said grounds, deny the other allegations
23 contained therein.

24 10. Defendants deny that they originated, disseminated, caused to be
25 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs’
26 Complaint. In further answer to Paragraph 10 of the Complaint, Defendants lack
27 information or belief sufficient to enable them to respond to the other allegations
28 contained therein and, basing their denial on said grounds, deny the other allegations

1 contained therein.

2 11. Defendants deny the allegations of Paragraph 11 of the Complaint.

3 12. Defendants admit that Reflex Media never authorized Defendants to use
4 the SEEKING ARRANGEMENT trademark. In further answer to Paragraph 12 of the
5 Complaint, Defendants deny the other allegations contained therein.

6 13. Defendants deny that they originated, disseminated, caused to be
7 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs'
8 Complaint. In further answer to Paragraph 13 of the Complaint, Defendants lack
9 information or belief sufficient to enable them to respond to the other allegations
10 contained therein and, basing their denial on said grounds, deny the other allegations
11 contained therein.

12
13 **PARTIES**

14 14. Defendants lack information or belief sufficient to enable them to
15 respond to the allegations of Paragraph 14 of the Complaint and, basing their denial
16 on said grounds, deny the other allegations contained therein.

17 15. Defendants admit the allegations of Paragraph 15 of the Complaint.

18 16. Defendants admit the allegations of Paragraph 16 of the Complaint.

19 17. Defendants admit the allegations of Paragraph 17 of the Complaint.

20 18. Defendants deny the allegations of Paragraph 18 of the Complaint.

21 19. Defendants admit that Defendant FDS Solutions, Ltd. owns, maintains,
22 and operates the websites <findyourtruesoulmate.com> and <fndrtsmt.com>. In further
23 answer to Paragraph 19 of the Complaint, Defendants deny the other allegations
24 contained therein.

25 20. Defendants lack information or belief sufficient to enable them to
26 respond to the allegations of Paragraph 20 of the Complaint and, basing their denial
27 on said grounds, deny the other allegations contained therein.

28 21. Defendants deny the allegations of Paragraph 21 of the Complaint.

JURISDICTION AND VENUE

22. Defendants admit that Plaintiff has purported to state claims that arise under 28 U.S.C. §§ 1331 and 1338 and that Plaintiff has purported to state a claim of unfair competition related to the claim it asserts under the trademark laws. In further answer to Paragraph 22 of the Complaint, Defendants deny the other allegations contained therein.

23. Defendants admit the allegations of Paragraph 23 of the Complaint.

24. Defendants admit that the matter in controversy is between a citizen of a State, on the one hand, and citizens or subjects of a foreign state, on the other hand. In further answer to Paragraph 24 of the Complaint, Defendants lack information or belief sufficient to enable them to respond to the other allegations contained therein and, basing their denial on said grounds, deny the other allegations contained therein.

25. Defendants deny the allegations of Paragraph 25 of the Complaint.

26. Defendants deny the allegations of Paragraph 26 of the Complaint.

27. Defendants lack information or belief sufficient to enable them to respond to the allegation relating to Plaintiffs' beliefs, and basing its denial on said grounds, denies that allegation. In further answer to Paragraph 27 of the Complaint, Defendants deny the other allegations contained therein.

GENERAL ALLEGATIONS

28. Defendants lack information or belief sufficient to enable them to respond to the allegations of Paragraph 28 of the Complaint and, basing their denial on said grounds, deny the allegations contained therein.

29. Defendants lack information or belief sufficient to enable them to respond to the allegations of Paragraph 29 of the Complaint and, basing their denial on said grounds, deny the allegations contained therein.

30. Defendants lack information or belief sufficient to enable them to respond to the allegations of Paragraph 30 of the Complaint and, basing their denial

1 on said grounds, deny the allegations contained therein.

2 31. Defendants lack information or belief sufficient to enable them to
3 respond to the allegations of Paragraph 31 of the Complaint and, basing their denial
4 on said grounds, deny the allegations contained therein.

5 32. Defendants lack information or belief sufficient to enable them to
6 respond to the allegations of Paragraph 32 of the Complaint and, basing their denial
7 on said grounds, deny the allegations contained therein.

8 33. Defendants lack information or belief sufficient to enable them to
9 respond to the allegations of Paragraph 33 of the Complaint and, basing their denial
10 on said grounds, deny the allegations contained therein.

11 34. Defendants deny the allegations of Paragraph 34 of the Complaint.

12 35. Defendants lack information or belief sufficient to enable them to
13 respond to the allegations of Paragraph 35 of the Complaint and, basing their denial
14 on said grounds, deny the allegations contained therein.

15 36. Defendants lack information or belief sufficient to enable them to
16 respond to the allegations of Paragraph 36 of the Complaint and, basing their denial
17 on said grounds, deny the allegations contained therein.

18 37. Defendants admit the allegations of Paragraph 37 of the Complaint.

19 38. Defendants deny the allegations of Paragraph 38 of the Complaint.

20 39. Defendants deny the allegations of Paragraph 39 of the Complaint.

21 40. Defendants deny the allegations of Paragraph 40 of the Complaint.

22 41. Defendants lack information or belief sufficient to enable them to
23 respond to the allegations of Paragraph 41 of the Complaint and, basing their denial
24 on said grounds, deny the allegations contained therein.

25
26 **FIRST CAUSE OF ACTION**

27 42. Defendants refer to and incorporate every allegation, admission, and
28 denial set forth in the foregoing paragraphs.

1 43. Defendants lack information or belief sufficient to enable them to
2 respond to the allegations of Paragraph 43 of the Complaint and, basing their denial
3 on said grounds, deny the allegations contained therein.

4 44. Defendants deny the allegations of Paragraph 44 of the Complaint.

5 45. Defendants deny the allegations of Paragraph 45 of the Complaint.

6 46. Defendants deny the allegations of Paragraph 46 of the Complaint.

7 47. Defendants deny the allegations of Paragraph 47 of the Complaint.

8 48. Defendants deny the allegations of Paragraph 48 of the Complaint.

9
10 **SECOND CAUSE OF ACTION**

11 49. Defendants refer to and incorporate every allegation, admission, and
12 denial set forth in the foregoing paragraphs.

13 50. Defendants deny the allegations of Paragraph 50 of the Complaint.

14 51. Defendants deny the allegations of Paragraph 51 of the Complaint.

15 52. Defendants deny that they originated, disseminated, caused to be
16 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs'
17 Complaint. In further answer to Paragraph 52 of the Complaint, Defendants lack
18 information or belief sufficient to enable them to respond to other allegations
19 contained therein, and, basing their denial on said grounds, deny the other allegations
20 contained therein.

21 53. Defendants deny that they originated, disseminated, caused to be
22 disseminated, or had any knowledge of the e-mails that are the subject of Plaintiffs'
23 Complaint and further deny that the websites of FDS Solutions, Ltd. are infringing. In
24 further answer to Paragraph 53 of the Complaint, Defendants lack information or
25 belief sufficient to enable them to respond to other allegations contained therein, and,
26 basing their denial on said grounds, deny the other allegations contained therein.

27 54. Defendants deny the allegations of Paragraph 54 of the Complaint.

28 55. Defendants deny the allegations of Paragraph 55 of the Complaint.

1 56. Defendants deny the allegations of Paragraph 56 of the Complaint.

2 57. Defendants deny the allegations of Paragraph 57 of the Complaint.

3
4 **THIRD CAUSE OF ACTION**

5 58. Defendants refer to and incorporate every allegation, admission, and
6 denial set forth in the foregoing paragraphs.

7 59. Defendants deny the allegations of Paragraph 59 of the Complaint.

8 60. Defendants deny the allegations of Paragraph 60 of the Complaint.

9
10 **FOURTH CAUSE OF ACTION**

11 61. Defendants refer to and incorporate every allegation, admission, and
12 denial set forth in the foregoing paragraphs.

13 62. Defendants lack information or belief sufficient to enable them to
14 respond to the allegations of Paragraph 62 of the Complaint and, basing their denial
15 on said grounds, deny the allegations contained therein.

16 63. Defendants deny the allegations of Paragraph 63 of the Complaint.

17 64. Defendants deny the allegations of Paragraph 64 of the Complaint.

18 65. Defendants deny the allegations of Paragraph 65 of the Complaint.

19 66. Defendants deny the allegations of Paragraph 66 of the Complaint.

20 67. Defendants deny the allegations of Paragraph 67 of the Complaint.

21 As and for their affirmative defenses, Defendants allege as follows:

22
23 **FIRST AFFIRMATIVE DEFENSE**

24 1. The Complaint, and each and every purported claim for relief therein,
25 fails to state valid claims for relief against Defendants.

26
27 **SECOND AFFIRMATIVE DEFENSE**

28 2. The Complaint, and each and every purported claim for relief therein, is

1 barred by the doctrine of waiver.

2
3 **THIRD AFFIRMATIVE DEFENSE**

4 3. The Complaint, and each and every purported claim for relief therein, is
5 barred by the doctrine of estoppel.

6
7 **FOURTH AFFIRMATIVE DEFENSE**

8 4. To the extent Defendants engaged in any of the acts complained of, such
9 acts were excused, justified, and/or privileged.

10
11 **FIFTH AFFIRMATIVE DEFENSE**

12 5. Plaintiff has failed to mitigate its losses or damages, if any. Therefore,
13 the damages, if any, should be barred or reduced by the amount of such damages that
14 Plaintiff could have avoided.

15
16 **SIXTH AFFIRMATIVE DEFENSE**

17 6. The Complaint, as well as each and every purported claim for relief
18 therein, is barred by the applicable statutes of limitations.

19
20 **SEVENTH AFFIRMATIVE DEFENSE**

21 7. The Complaint, as well as each and every purported claim for relief
22 therein, is barred by the doctrine of laches.

23
24 **EIGHTH AFFIRMATIVE DEFENSE**

25 8. Plaintiff is barred from recovering on the Complaint, and each and every
26 purported claim for relief therein, because Plaintiff's damages, if any, were sustained
27 as a direct and proximate result of the intervening and superseding acts and/or
28 omissions of persons or entities, other than the Defendants, who were outside the

control of the Defendants.

NINTH AFFIRMATIVE DEFENSE

9. Plaintiff's claims are barred by the doctrine of unclean hands.

WHEREFORE, Defendants pray for judgment, as follows.

1. That Plaintiff take nothing by way of his Complaint;

2. That the Complaint, and each and every purported claim for relief set forth therein, be dismissed, with prejudice;

3. For an award of attorney's fees;

4. For the costs of suit incurred herein; and

5. For such other and further relief as this Court may deem just and proper.

Dated: March 3, 2017

GRODSKY & OLECKI LLP

By: /Allen B. Grodsky/
Allen B. Grodsky

Attorneys for Defendants Maria Del Mar
Martinez Sanchez and FDS Solutions Limited

DEMAND FOR JURY TRIAL

Answering Defendants hereby demand trial by jury of this matter.

Dated: March 7, 2017

GRODSKY & OLECKI LLP
Allen B. Grodsky

By: / Allen B. Grodsky /
 Allen B. Grodsky

Attorneys for Defendants
Maria Del Mar Martinez Sanchez and
FDS Solutions Limited